

## **EXHIBIT 2**

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS

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VESTA CORPORATION,

Plaintiff,

V.

VESTA MANAGEMENT SERVICES, LLC,

Defendant.

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CIVIL ACTION NO. 4:15-CV-00719

**DECLARATION OF STEVEN ERIE**

1. I am over the age of 18, believe in the obligations of an oath, and have personal knowledge of the matters set forth below.

2. I am the Managing Director of Vesta Corporation, a Connecticut corporation with a principal place of business located at 175 Powder Forest Drive, Weatogue, Connecticut 06089.

3. I submit this declaration in support of plaintiff Vesta Corporation's Motion for Summary Judgment.

4. I have worked at Vesta Corporation and its predecessor company since 1981.

5. As Managing Director, my job responsibilities include overseeing the operations of Vesta Corporation.

6. In 1981, I began working with Arthur Greenblatt in the affordable housing industry.

7. In 1998, I was part of team that decided to rebrand the company as Vesta Corporation.

8. Since on or before April 30, 1998, Vesta Corporation has been using the VESTA mark in conjunction with its real estate development and operation, management, and ownership of multifamily residential communities.


9. Since February 5, 2002, Vesta Corporation has been the registered owner of the VESTA mark for international classes 36 and 37. See Service Mark Principal Register for VESTA mark attached hereto as **Exhibit A**.

10. On January 15, 2008, the United States Patent and Trademark Office accepted and acknowledged Vesta Corporation's Section 8 and 15 Declarations of Use and Incontestability in relation to the VESTA mark. See Notice of Acceptance and Acknowledgement Registration for VESTA mark attached hereto as **Exhibit B**.

11. Vesta Corporation has identified VESTA as its protected mark and has expended substantial sums of money and effort in marketing, publicizing, promoting, and advertising its services in the locations in which it does business, including Connecticut, New Jersey, Ohio, Texas, and Washington, D.C.

12. Pursuant to 28 U.S.C. § 1746(2), I declare under penalty of perjury that the foregoing is true and correct.

Dated: October 20, 2015

  
\_\_\_\_\_  
Steven Erie  
Managing Director  
Vesta Corporation

# **EXHIBIT A**

The United States of America



**CERTIFICATE OF REGISTRATION  
PRINCIPAL REGISTER**

*The Mark shown in this certificate has been registered in the United States Patent and Trademark Office to the named registrant.*

*The records of the United States Patent and Trademark Office show that an application for registration of the Mark shown in this Certificate was filed in the Office; that the application was examined and determined to be in compliance with the requirements of the law and with the regulations prescribed by the Director of the United States Patent and Trademark Office; and that the Applicant is entitled to registration of the Mark under the Trademark Act of 1946, as Amended.*

*A copy of the Mark and pertinent data from the application are part of this certificate.*

*This registration shall remain in force for TEN (10) years, unless terminated earlier as provided by law, and subject to compliance with the provisions of Section 8 of the Trademark Act of 1946, as Amended.*



A handwritten signature in black ink, appearing to read "G. R. [unclear]".

*Director of the United States Patent and Trademark Office*

## **Requirements for Maintaining a Federal Trademark Registration**

### **SECTION 8: AFFIDAVIT OF CONTINUED USE**

The registration shall remain in force for 10 years, except that the registration shall be canceled for failure to file an Affidavit of Continued Use under Section 8 of the Trademark Act, 15 U.S.C. §1058, upon the expiration of the following time periods:

- i) At the end of 6 years following the date of registration.
- ii) At the end of each successive 10-year period following the date of registration.

*Failure to file a proper Section 8 Affidavit at the appropriate time will result in the cancellation of the registration.*

### **SECTION 9: APPLICATION FOR RENEWAL**

The registration shall remain in force for 10 years, subject to the provisions of Section 8, except that the registration shall expire for failure to file an Application for Renewal under Section 9 of the Trademark Act, 15 U.S.C. §1059, at the end of each successive 10-year period following the date of registration.

*Failure to file a proper Application for Renewal at the appropriate time will result in the expiration of the registration.*

**No further notice or reminder of these requirements will be sent to the Registrant by the Patent and Trademark Office. It is recommended that the Registrant contact the Patent and Trademark Office approximately one year before the expiration of the time periods shown above to determine the requirements and fees for the filings required to maintain the registration.**

**Int. Cls.: 36 and 37**

**Prior U.S. Cls.: 100, 101, 102, 103 and 106**

**Reg. No. 2,535,779**

**United States Patent and Trademark Office**

**Registered Feb. 5, 2002**

**SERVICE MARK  
PRINCIPAL REGISTER**

**VESTA**

VESTA CORPORATION (CONNECTICUT CORPORATION)  
245 HOPMEADOW STREET  
WEATOGUE, CT 06089

FOR: FINANCING SERVICES IN THE FIELD OF RESIDENTIAL HOUSING CONSTRUCTION; REAL ESTATE BROKERAGE; MORTGAGE BROKERAGE FOR RESIDENTIAL HOUSING; RESIDENTIAL REAL ESTATE MANAGEMENT SERVICES; AND REAL ESTATE SHARING, NAMELY, MANAGING AND ARRANGING FOR CO-OWNERSHIP OF REAL ESTATE, IN CLASS 36 (U.S. CLS. 100, 101 AND 102).

FIRST USE 4-0-1998; IN COMMERCE 4-0-1998.

FOR: REAL ESTATE DEVELOPMENT; RESIDENTIAL BUILDING CONSTRUCTION; RENOVATION IN THE FIELD OF RESIDENTIAL HOUSING AND RESTORATION IN THE FIELD OF HOUSING, IN CLASS 37 (U.S. CLS. 100, 103 AND 106).

FIRST USE 4-0-1998; IN COMMERCE 4-0-1998.

SER. NO. 76-039,789, FILED 5-2-2000.

SAMUEL E. SHARPER JR., EXAMINING ATTORNEY

# **EXHIBIT B**





UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, VA 22313-1451  
www.uspto.gov

REGISTRATION NO: 2535779 SERIAL NO: 76/039789 MAILING DATE: 01/15/2008  
REGISTRATION DATE: 02/05/2002  
MARK: VESTA  
REGISTRATION OWNER: Vesta Corporation

**CORRESPONDENCE ADDRESS:**

John C. Linderman  
MCCORMICK, PAULDING & HUBER  
CITYPLACE II, 185 Asylum Street  
HARTFORD CT 06103

**RECEIVED**  
JAN 23 2008  
McCormick, Paulding & Huber

*[Handwritten signature]*

**NOTICE OF ACCEPTANCE**

15 U.S.C. Sec. 1058(a)(1)

THE COMBINED AFFIDAVIT FILED FOR THE ABOVE-IDENTIFIED REGISTRATION MEETS THE REQUIREMENTS OF SECTION 8 OF THE TRADEMARK ACT, 15 U.S.C. Sec. 1058.

ACCORDINGLY, THE SECTION 8 AFFIDAVIT IS ACCEPTED.

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**NOTICE OF ACKNOWLEDGEMENT**

15 U.S.C. Sec. 1065

THE AFFIDAVIT FILED FOR THE ABOVE-IDENTIFIED REGISTRATION MEETS THE REQUIREMENTS OF SECTION 15 OF THE TRADEMARK ACT, 15 U.S.C. Sec. 1065.

ACCORDINGLY, THE SECTION 15 AFFIDAVIT IS ACKNOWLEDGED.

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THE REGISTRATION WILL REMAIN IN FORCE FOR CLASS(ES):  
036, 037.

LEE, HAROLD D  
PARALEGAL SPECIALIST  
POST-REGISTRATION DIVISION  
571-272-9500

PLEASE SEE THE REVERSE SIDE OF THIS NOTICE FOR INFORMATION  
CONCERNING REQUIREMENTS FOR MAINTAINING THIS REGISTRATION

ORIGINAL

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<b>DOCKET</b>	
FILE	5836-0001
FOR	PL 2-5-11
DATE	1-23-08 BY C/K